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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert A. Penchuk  
Serial No.: 10/648,939  
Confirmation No.: 5934  
Filed: August 27, 2003  
For: MEMORY GAIN CELL

Examiner: Vu Anh Le  
Art Unit: 2824

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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10/12/06 Steven J. Henry, Reg. No. 27,900

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION AND FOR WITHDRAWAL OF  
FINALITY OF OFFICE ACTION

In response to the Office Action mailed June 15, 2006, no amendments are made to the claims, but a correct listing of claims begins on page 2 of this response.

Remarks begin on page 5 of this request.